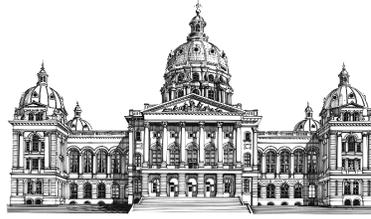

Iowa Legislative Fiscal Bureau

Dennis Prouty
(515) 281-5279
FAX 281-8451



State Capitol
Des Moines, IA 50319
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Judicial Branch: A Brief Description

ISSUE

This *Issue Review* is a description of Judicial Branch organization and identification of major issues, including funding and staffing trends, caseloads, technology changes, and collection of fines, fees, and other charges.

AFFECTED AGENCIES

Judicial Branch

CODE AUTHORITY

Chapter 602, Code of Iowa

BACKGROUND

Iowa has a court system consisting of the Supreme Court which is the highest court, the Court of Appeals, and the District Courts. There is a total of 328 judicial officers. The major components are described as follows:

- The **Supreme Court** consists of one Chief Justice and eight Justices. The Court has general appellate jurisdiction for criminal and civil cases and exercises supervisory and administrative control over the court system pursuant to Article V, Constitution of Iowa. Appeals are made directly to the Supreme Court in Iowa. The Court then decides whether to keep the case or “deflect” the case to the Court of Appeals. The Supreme Court retains cases involving:
 - Substantial constitutional questions as to the validity of a statute, ordinance, or court or administrative rule.
 - Substantial issues in which there is, or is claimed to be, a conflict with a published decision of the Court of Appeals or Supreme Court.
 - Substantial issues of first impression.
 - Fundamental and urgent issues of broad public importance requiring prompt or ultimate determination by the Supreme Court.

- Discipline of lawyers.
- Substantial questions of enunciating or changing legal principles.

The Supreme Court also determines the rules for admission to and disciplinary procedures of the bar, for continuing education for lawyers and judges, and for regulating appellate practice and procedure for the trial and appellate courts.

- The **Court of Appeals** hears cases referred by Supreme Court. Litigants may request further review of the rulings of the Court of Appeals by the Supreme Court. A Chief Judge and five Associate Judges sit on the Court of Appeals.
- Iowa has a unified trial court system, referred to as the **District Courts**. The District Courts handle all types of civil, criminal, juvenile, and probate cases. The State is divided into eight judicial districts. Each district is headed by a Chief Judge who exercises administrative supervision within the district. There are five types of judgeships with differing levels of responsibilities. They are:
 - Magistrates who issue search warrants and emergency hospitalization orders, hold preliminary hearings and preside at trials of small claims (\$4,000 or less), simple misdemeanors, and forcible entry and detainer actions. Magistrates are not required to be lawyers as are the other judges. There are 134 full-time and part-time magistrates.
 - District Associate Judges who have the same jurisdiction as magistrates in addition to hearing indictable misdemeanors, civil actions involving \$10,000 or less, Operating While Intoxicated felonies, and some juvenile cases. There are 54 District Associate Judges.
 - Associate Juvenile Judges who handle only juvenile matters, including delinquency proceedings, children in need of assistance, abuse and neglect, and termination of parental rights proceedings. There are 12 Associate Juvenile Judges.
 - District Judges who have general trial court jurisdiction (civil, criminal, domestic relations, and probate). There are 112 District Court Judges.
 - Associate Probate Judges who handle probate issues. The State has only one Associate Probate Judge, located in Polk County.

State and district court administrators are responsible for managing the daily activities of the Judicial Branch and administering appropriated funds. Administrative functions include preparing, submitting, and revising budget requests; accounting and disbursement of funds; purchase of supplies and equipment; collecting information and statistical data; administering the Judicial Retirement System; and providing support staff at all levels. The Iowa Court Information System (ICIS) is located within the State Court Administration Office. The Iowa Court Information System is a computerized network that links all 99 counties and is designed to automate case scheduling and court data-processing throughout the State.

CURRENT SITUATION

Some of the major issues for the courts include:

- **Number of District and District Associate Judges.** There are currently 112 District Court Judgeships. The number of District Court Judges is prescribed by a formula in Section 602.6201, Code of Iowa, but capped statutorily at 112 (Section 602.6201(10), Code of Iowa). The formula is based on population and the number of civil and criminal filings. If the formula were used exclusively, there would be 134 judgeships.

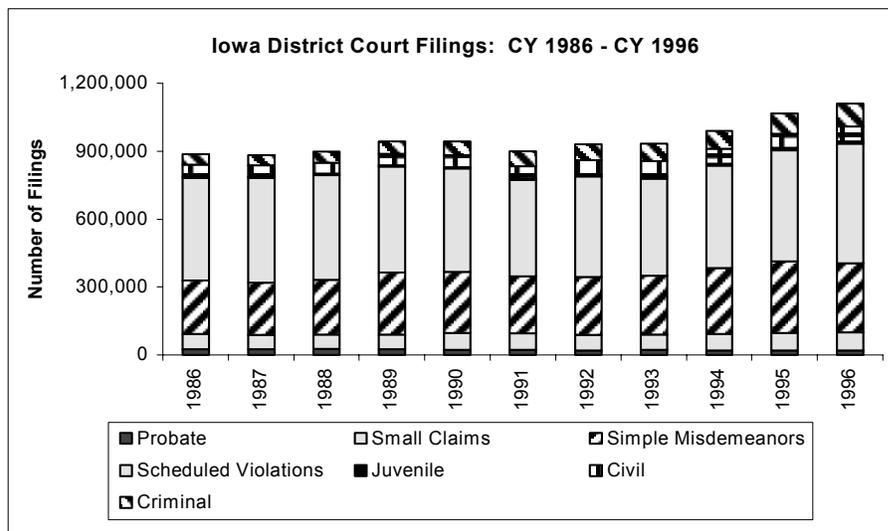
There are 54 District Associate Judgeships. The number of judges is determined in two ways. First, Section 602.6301, Code of Iowa, provides a formula based on county population. Second, Section 602.6302 allows for the conversion of three judicial magistrate judgeships into one district associate judgeship. Of the 54 District Associate Judgeships, 34 resulted from the formula, 19 resulted from conversions, and one was created by Chapter 207, Section 7(f), 1995 Iowa Acts.

- **Increasing caseloads.** In 1996 there were a total of 1.1 million filings in district court. The types of filings were distributed as follows:

	Number of 1996 Filings	Percent of Total	Percent Increase Since 1986
Scheduled Violations	527,503	47.5%	16.6%
Simple Misdemeanors	306,181	27.6%	29.6%
Criminal	102,161	9.2%	125.1%
Small Claims	79,129	7.1%	15.6%
Civil	66,273	6.0%	25.0%
Probate	19,191	1.7%	-19.3%
Juvenile	10,447	0.9%	64.1%
Total	1,110,885	100.0%	25.4%

Between 1986 and 1996, total filings increased by 225,000 cases (25.4%). Criminal filings showed the largest growth rate, increasing by 125.1% from 45,000 filings in 1986 to 102,000 filings in 1996. Juvenile filings had the second largest growth rate, increasing from 6,000 to 10,000 filings (64.1%). All other types of filings increased by less than 30.0%, and probate filings decreased.

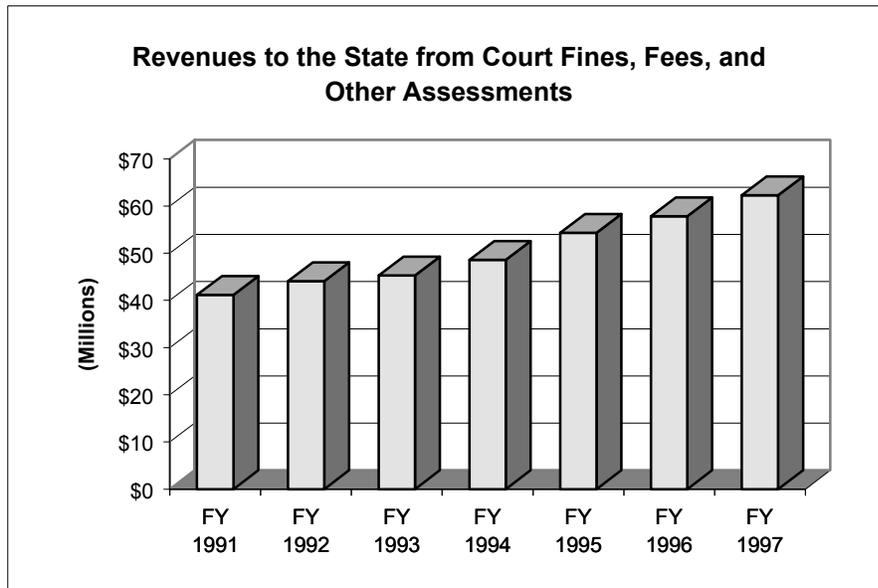
The following chart shows the growth in filings between 1986 and 1996.



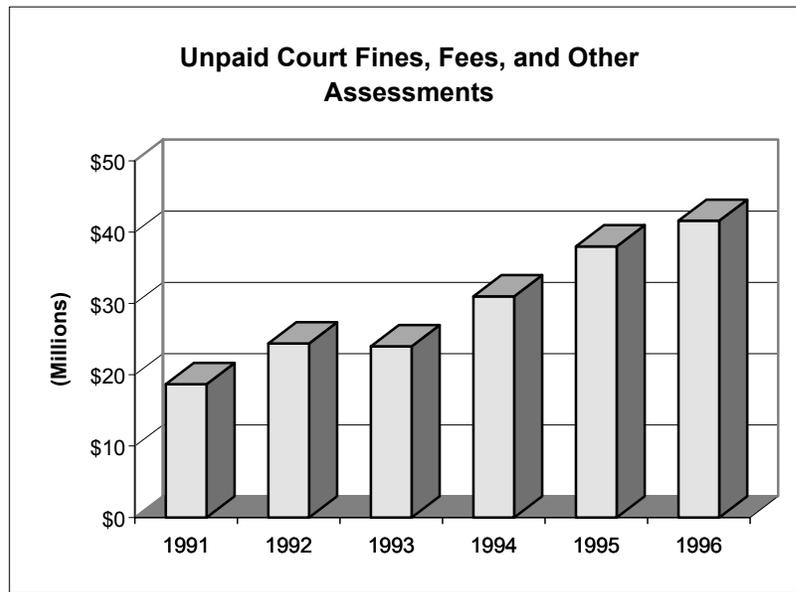
- **Adaptation to new technology.** In 1983, the Legislature enacted legislation making the court system State funded. Prior to that time, most of the expenses of the court system

were paid by the counties, primarily through property taxes. The legislation also transferred the revenue generated by the court system into the State General Fund. At the time of the reorganization, most of the work by the county clerk offices was done manually. The Department recognized the need to automate.

- Iowa Court Information System (ICIS).** In FY 1988, the Department received the first appropriation for the development of the ICIS. In September 1997, the ICIS connected the remaining counties to the System. Capital costs over the decade required for installation of the ICIS System totaled \$19.2 million. Current annual operating costs are approximately \$3.5 million. The System is intended to provide for compilation of management information and statistical data for the Courts System and other governmental agencies.
- Other automation undertakings:** The Criminal Justice Information Network (CJIN) Project in the Fifth Judicial District was established to link court scheduling and case management databases with those from the Department of Corrections and county jails providing judges with up-to-date information on defendants' statuses; creation of an electronic bulletin board to make appellate opinions available to publishers, the media, and the public; a project pilot testing video conferencing in Linn County District Court; and cooperation with the Criminal and Juvenile Justice Planning Division, Department of Human Rights, in the development of a data warehouse for information to be shared with Executive and Legislative Branch agencies.
- Fines, fees, and surcharges collected.** In total, the Courts generated \$62.3 million in revenues for the State of Iowa in FY 1997. Not all of these moneys are deposited in the General Fund. The Prison Infrastructure Fund receives \$9.5 million annually to pay for the construction of prisons and community-based corrections residential facilities. The Court Technology Fund receives \$1.0 million annually. The following table shows the total revenues generated for the State since FY 1991.



- Uncollected Fines, Fees, and Surcharges.** Annually, more than one third of the fines, fees and other assessments remain uncollected. The following chart shows the uncollected amounts for recent calendar years.

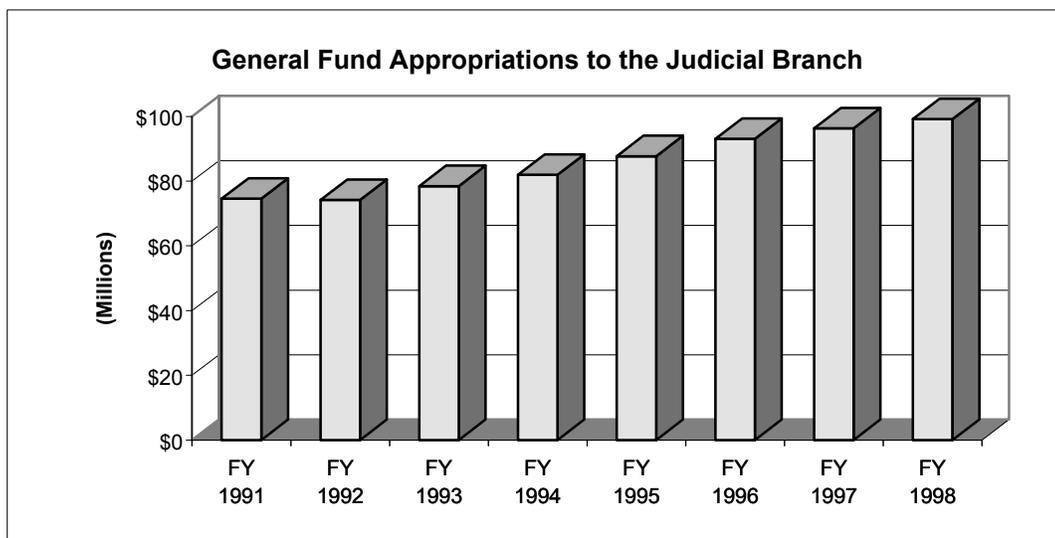


(Note: Because of the way the data has been collected in the past, it is not possible to calculate an exact collection rate.)

Each of the Judicial Districts have developed plans to deal with uncollected assessments. (Copies of the plans are available upon request from the LFB.)

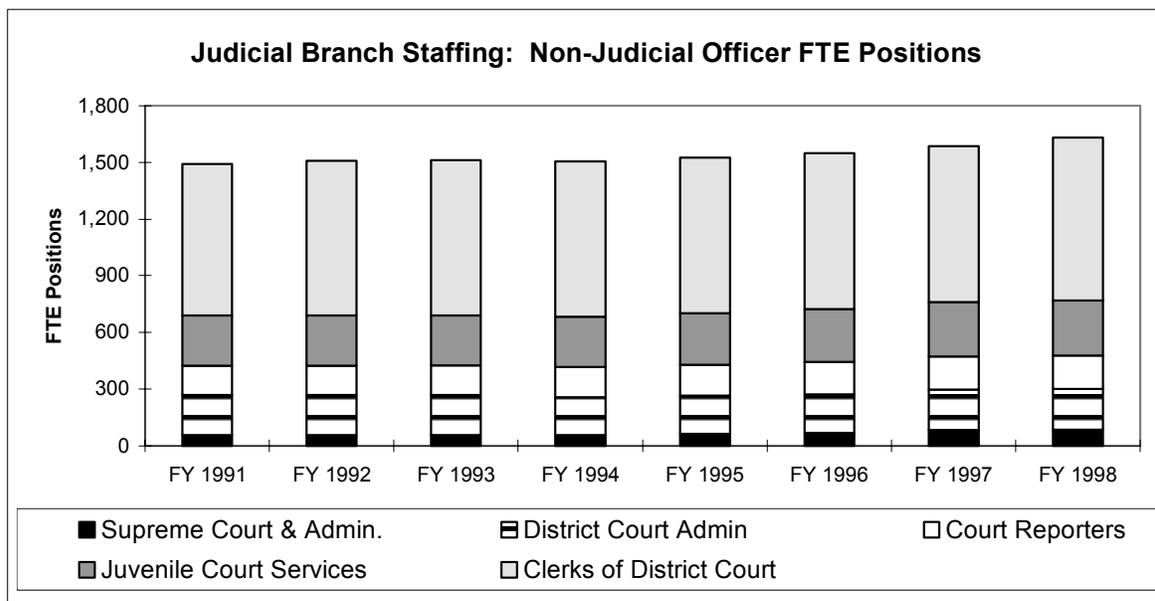
BUDGET IMPACT

The following chart shows the General Fund appropriations for the Judicial Branch for recent years. Between FY 1991 and FY 1998, the General Fund appropriation to the Judicial Branch has increased by \$24.6 million (33.0%) to a total of \$99.2 million.



Over the same period, non-judicial officer staffing for the Judicial Branch has increased by 137.7 (9.2%) FTE positions, bringing the total for administrative and support staff to 1,630.0 FTE

positions. The following chart and table show the distribution and growth in support staff positions between FY 1991 and FY 1998.



Increase in Non-Judicial Officer FTE Positions: FY 1991 to FY 1998

	Increased FTE Positions	% of Total Increase	% Increase Since FY 1991
Supreme Court & Admin.	29.2	21.2%	50.4%
District Court Admin	3.4	2.5%	1.6%
Court Reporters	20.0	14.5%	12.9%
Juvenile Court Services	27.8	20.2%	10.5%
Clerks of District Court	57.3	41.6%	7.1%
Total Increase	137.7	100.0%	9.2%

STAFF CONTACT: Dwayne Ferguson (Ext. 16561) Darlene Kruse (Ext. 16301)

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